

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION**

TERESA FULL,

\*

\*

Plaintiff,

\* CIVIL ACTION FILE

\* NO: \_\_\_\_\_

VS.

\*

\*

BUC-EE'S GEORGIA, LLC,

\*

\*

Defendant.

\*

**COMPLAINT FOR DAMAGES AND  
DEMAND FOR JURY TRIAL**

**COMES NOW** Plaintiff **TERESA FULL** (hereinafter referred to as "Plaintiff") and files this, her Complaint for Damages and Demand for Jury Trial against Defendant **BUC-EE'S GEORGIA, LLC**, a foreign corporation, (hereinafter referred to as "Defendant"), and for her cause of action alleges as follows:

**I. PARTIES, JURISDICTION, AND VENUE**

- 1.** Plaintiff is an individual and citizen of Grafton, Ozaukee County, Wisconsin.
- 2.** Defendant is a foreign corporation, organized under the laws of the State of Texas, with its principal place of business located at 327 FM 2004, Lake Jackson, Texas 77566. Defendant is licensed and registered to conduct business in Georgia,

and at all times herein mentioned, Defendant had a business located at 601 Union Grove Road, SE, Calhoun, Georgia, and was transacting and/or doing business in Gordon County, Georgia.

3. Defendant may be served with process by serving its registered agent in the State of Georgia, CT Corporation System, 289 S. Culver Street, Lawrenceville, Gwinnett County, Georgia 30046.

4. This Court has jurisdiction over this lawsuit pursuant to 28 U.S.C. §1332(a), as there exists diversity of citizenship between the Plaintiff and the Defendant and the amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.

5. Venue is proper in the Northern Division of Georgia, Rome Division, because the conduct of the Defendant which forms the basis of Plaintiff's Complaint occurred within the Rome Division, and the Defendant regularly conducts business in the Rome Division.

## **II. STATEMENT OF FACTS RELEVANT TO ALL CLAIMS**

6. On or about January 10, 2022, Defendant owned, operated, and/or controlled that certain business premises located at 601 Union Grove Road, SE, Calhoun, Gordon County, Georgia (hereinafter referred to as "the subject business

premises”).

**7.** On or about January 10, 2022, Plaintiff entered the subject business premises and while on the subject business premises for a lawful and proper purpose, tripped over a wheel stop in a parking space which caused her to fall violently to the pavement and severely injure herself.

**8.** The wheel stop, being in a pedestrian pathway, constituted a tripping hazard in that the way that it was placed in the parking space was not conspicuously marked or delineated to warn someone from tripping over it.

**9.** Defendant knew or in the exercise of ordinary care should have known that the wheel stop Plaintiff fell on constituted a tripping hazard that persons walking on the business premises could be injured.

**10.** As a result of the foregoing described negligence of Defendant, Plaintiff has suffered substantial and continual pain of body and mind which will more than likely continue into the future.

**11.** As a result of the foregoing described negligence of Defendant, Plaintiff has incurred considerable medical expenses of at least \$89,515.75, as are itemized on the Medical Bill Summary attached hereto as Exhibit “A”, and continues to incur medical expenses which will more than likely continue into the future.

### **III. PREMISES LIABILITY**

**12.** Defendant owed a nondelegable duty of reasonable care in keeping the business premises safe.

**13.** Plaintiff alleges that the aforesaid occurrence and the resulting injuries were proximately caused by the negligence of Defendant, its agents, servants and/or employees, in:

- a) Failing to properly warn pedestrians of a wheel stop in their pathway;
- b) Failing to place proper warnings on or around the wheel stop;
- c) Failing to inspect the area so as to remove the hazard; and
- d) Failing to otherwise maintain the wheel stops of the business premises in a safe condition.

**14.** At all times relevant hereto, Defendant, its agents, servants and/or employees had actual and/or constructive knowledge of the hazardous condition and allowed it to remain.

**15.** Plaintiff had no actual or constructive knowledge of the dangerous condition of the wheel stop on the business premises.

**16.** The acts and omissions of Defendant were in bad faith, have been stubbornly litigious, or have caused the Plaintiff unnecessary trouble and expense as contemplated by O.C.G.A. § 13-6-11. Pursuant to said provision, Plaintiff is entitled to recover all expenses of litigation, including attorney's fees.

**17.** Defendant, having been negligent as described above and said negligence having resulted in severe injury to Plaintiff, Plaintiff is entitled to recover of said Defendant all damages allowed under Georgia law.

**WHEREFORE**, Plaintiff prays for judgment against Defendant as follows:

- a) For past and future medical expenses according to proof at time of trial;
- b) For past and future pain and suffering and other general damages in an amount to be determined by the enlightened conscience of the jury;
- c) For all expenses of litigation, including attorney fees;
- c) For all costs to be taxed against Defendant; and
- d) For such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury.

Dated this 5<sup>th</sup> day of January, 2024.

Respectfully submitted,

**MATSON & MATSON, P.C.**

/s/ Patrick A. Matson

Patrick A. Matson  
Georgia State Bar No.: 522089  
Attorney for Plaintiff

1600 Martha Berry Blvd.  
Rome, Georgia 30165  
(706) 622-2001 Phone  
(706) 622-2537 Facsimile  
pm@matsonandmatson.com

**CERTIFICATION OF COUNSEL**

The undersigned pursuant to this Court's Local Rules hereby certifies that this document has been prepared with Times New Roman 14 point.

This 5<sup>th</sup> day of January, 2024.

**MATSON & MATSON, P.C.**

/s/ Patrick A. Matson

Patrick A. Matson  
Georgia State Bar No.: 522089  
Attorney for Plaintiff

1600 Martha Berry Blvd.  
Rome, Georgia 30165  
(706) 622-2001 Phone  
(706) 622-2537 Facsimile  
pm@matsonandmatson.com

**MEDICAL BILL SUMMARY**

Re: Teresa Full

D/I: 01/10/2022

**EXHIBIT A**

<b>PROVIDER</b>	<b>DOS</b>	<b>CHARGES</b>	<b>TOTAL</b>
<b>SHOREWOOD PHYSICAL THERAPY</b>			
<b>TERAPEUTIC PROCEDURE</b>	1/27/2022	\$190.00	\$190.00
<b>MANUAL THERAPY</b>	1/27/2022	\$120.00	\$120.00
<b>TERAPEUTIC PROCEDURE</b>	2/3/2022	\$190.00	\$190.00
<b>MANUAL THERAPY</b>	2/3/2022	\$120.00	\$120.00
<b>TERAPEUTIC PROCEDURE</b>	2/14/2022	\$285.00	\$285.00
<b>TERAPEUTIC PROCEDURE</b>	2/21/2022	\$285.00	\$285.00
<b>TERAPEUTIC PROCEDURE</b>	2/28/2022	\$285.00	\$285.00
<b>TERAPEUTIC PROCEDURE</b>	5/23/2022	\$95.00	\$95.00
<b>MANUAL THERAPY</b>	5/23/2022	\$120.00	\$120.00
<b>EVALUATION</b>	5/23/2022	\$155.00	\$155.00
<b>TERAPEUTIC PROCEDURE</b>	5/26/2022	\$190.00	\$190.00
<b>MANUAL THERAPY</b>	5/26/2022	\$120.00	\$120.00
<b>TERAPEUTIC PROCEDURE</b>	6/7/2022	\$190.00	\$190.00
<b>MANUAL THERAPY</b>	6/7/2022	\$120.00	\$120.00
<b>TERAPEUTIC PROCEDURE</b>	6/9/2022	\$190.00	\$190.00
<b>MANUAL THERAPY</b>	6/9/2022	\$120.00	\$120.00
<b>TERAPEUTIC PROCEDURE</b>	6/14/2022	\$95.00	\$95.00
<b>MANUAL THERAPY</b>	6/14/2022	\$120.00	\$120.00
<b>TERAPEUTIC PROCEDURE</b>	6/16/2022	\$190.00	\$190.00
<b>MANUAL THERAPY</b>	6/16/2022	\$120.00	\$120.00
<b>TERAPEUTIC PROCEDURE</b>	6/23/2022	\$190.00	\$190.00
<b>MANUAL THERAPY</b>	6/23/2022	\$120.00	\$120.00
<b>TERAPEUTIC PROCEDURE</b>	6/28/2022	\$285.00	\$285.00
<b>TERAPEUTIC PROCEDURE</b>	6/30/2022	\$285.00	\$285.00
<b>TERAPEUTIC PROCEDURE</b>	7/6/2022	\$190.00	\$190.00
<b>MANUAL THERAPY</b>	7/6/2022	\$120.00	\$120.00
<b>TERAPEUTIC PROCEDURE</b>	7/12/2022	\$285.00	\$285.00
<b>TERAPEUTIC PROCEDURE</b>	7/19/2022	\$285.00	\$285.00
<b>TERAPEUTIC PROCEDURE</b>	7/21/2022	\$285.00	\$285.00
<b>TERAPEUTIC PROCEDURE</b>	7/26/2022	\$285.00	\$285.00
<b>TERAPEUTIC PROCEDURE</b>	7/28/2022	\$285.00	\$285.00
<b>TERAPEUTIC PROCEDURE</b>	8/9/2022	\$285.00	\$285.00
<b>TERAPEUTIC PROCEDURE</b>	8/16/2022	\$285.00	\$285.00

MEDICAL BILL SUMMARY

Re: Teresa Full

D/I: 01/10/2022

**EXHIBIT A**

<b>THERAPEUTIC PROCEDURE</b>	8/23/2022	\$285.00	\$285.00
<b>THERAPEUTIC PROCEDURE</b>	8/30/2022	\$285.00	\$285.00
<b>THERAPEUTIC PROCEDURE</b>	9/12/2022	\$285.00	\$285.00
<b>THERAPEUTIC PROCEDURE</b>	9/19/2022	\$285.00	\$285.00
<b>THERAPEUTIC PROCEDURE</b>	10/3/2022	\$285.00	\$285.00
<b>THERAPEUTIC PROCEDURE</b>	10/10/2022	\$285.00	\$285.00
<b>THERAPEUTIC PROCEDURE</b>	10/17/2022	\$285.00	\$285.00
<b>THERAPEUTIC PROCEDURE</b>	10/24/2022	\$285.00	\$285.00
<b>THERAPEUTIC PROCEDURE</b>	10/31/2022	\$285.00	\$285.00
<b>TOTAL AMOUNT:</b>			<b>\$9,050.00</b>
<b>JOSEPH KRONER, M.D.</b>			
<b>OFFICE VISIT</b>	1/25/2022	<u>\$156.00</u>	<u>\$156.00</u>
<b>TOTAL AMOUNT:</b>		\$156.00	<b>\$156.00</b>
<b>ORTHOPEDIC INSTITUTE OF</b>			
<b>WISCONSIN - DR. PENNINGTON</b>			
<b>OFFICE VISIT</b>	3/14/2022	\$586.00	\$586.00
<b>OFFICE VISIT</b>	4/1/2022	\$200.00	\$200.00
<b>DR. BARTOSHEVICH -</b>	5/9/2022	\$11,420.00	\$11,420.00
<b>SURGERY</b>			
<b>DR. PENNINGTON - SURGERY</b>	5/9/2022	\$12,021.00	\$12,021.00
<b>X-RAY</b>	5/20/2022	\$224.00	\$224.00
<b>TOTAL AMOUNT:</b>		\$24,451.00	<b>\$24,451.00</b>
<b>MIDWEST ORTHOPEDIC</b>			
<b>SPECIALTY HOSPITAL</b>			
<b>LAB</b>	5/2/2022	\$22.00	\$22.00
<b>LAB</b>	5/3/2022	\$38.00	\$38.00
<b>PHARMACY</b>	5/9/2022	\$412.99	\$412.99
<b>MED/SURG SUPPLIES</b>	5/9/2022	\$34,936.64	\$34,936.64
<b>OPERATING ROOM</b>	5/9/2022	\$12,734.00	\$12,734.00
<b>ANESTHESIA</b>	5/9/2022	\$4,194.00	\$4,194.00
<b>IMAGING</b>	5/9/2022	\$591.00	\$591.00

**MEDICAL BILL SUMMARY****EXHIBIT A**

Re: Teresa Full

D/I: 01/10/2022

<b>RECOVERY ROOM</b>	5/9/2022	\$2,667.00	\$2,667.00
<b>SUPPLIES</b>	5/9/2023	\$263.12	\$263.12
<b>TOTAL AMOUNT:</b>		\$55,858.75	<b>\$55,858.75</b>
		<b>TOTAL:</b>	<b>\$89,515.75</b>